

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUNIZ, MARCUS  
MARTIN, NATALIE ROMERO, CHELSEA  
ALVARADO, JOHN DOE, and THOMAS  
BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**JURY TRIAL DEMANDED**

**PLAINTIFFS' RESPONSE TO DEFENDANT CANTWELL'S MOTION IN LIMINE TO  
PROVIDE CANTWELL WITH ACCESS TO THE DISCOVERY AND NECESSARY  
LEGAL MATERIALS AT TRIAL**

In this Motion in Limine (ECF No. 1122), Cantwell asks the Court to provide him with “all of the discovery material in this matter,” “any equipment necessary to present such exhibits to the jury,” and copies of the Federal Rules of Evidence and the Federal Rules of Civil Procedure at Defendants’ table during trial. ECF No. 1122, ¶¶ 2-3. This is not a motion in limine, of course, as it does not relate to the admission or exclusion of evidence at trial.

Plaintiffs do not oppose Cantwell having access to discovery, equipment, or the rules applicable in this Court. Plaintiffs note, however, that Cantwell’s request for “all of the discovery material in this matter” encompasses an incredible volume of documents (more than 845,000 documents have been produced in discovery), some of which are designated Highly Confidential

and may not be shown to pro se parties. In addition, Cantwell has already received discovery in this case, and it would be extremely burdensome to compile all the material he seeks at this stage.

Nevertheless, if it would please the Court, Plaintiffs would provide the Court or the U.S. Marshals Service with electronic copies of the documents on Plaintiffs' exhibit list that are not designated Highly Confidential, so they may be provided to Cantwell.

Dated: October 12, 2021

Respectfully submitted,

/s/ David E. Mills

David E. Mills (*pro hac vice*)  
Joshua M. Siegel (VSB 73416)  
Caitlin B. Munley (*pro hac vice*)  
Samantha A. Strauss (*pro hac vice*)  
Alexandra Eber (*pro hac vice*)  
COOLEY LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Fax: (202) 842-7899  
dmills@cooley.com  
jsiegel@cooley.com  
cmunley@cooley.com  
sastrauss@cooley.com  
aeber@cooley.com

*Of Counsel:*

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
Gabrielle E. Tenzer (*pro hac vice*)  
Joshua A. Matz (*pro hac vice*)  
Michael L. Bloch (*pro hac vice*)  
Emily C. Cole (*pro hac vice*)  
Alexandra K. Conlon (*pro hac vice*)  
Jonathan R. Kay (*pro hac vice*)  
Benjamin D. White (*pro hac vice*)  
Yotam Barkai (*pro hac vice*)  
KAPLAN HECKER & FINK, LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Telephone: (212) 763-0883  
rkaplan@kaplanhecker.com  
jfink@kaplanhecker.com  
gtenzer@kaplanhecker.com  
jmatz@kaplanhecker.com  
mbloch@kaplanhecker.com  
ecole@kaplanhecker.com  
aconlon@kaplanhecker.com  
jkay@kaplanhecker.com  
bwhite@kaplanhecker.com  
ybarkai@kaplanhecker.com

Alan Levine (*pro hac vice*)  
Daniel P. Roy III (*pro hac vice*)  
Amanda L. Liverzani (*pro hac vice*)  
COOLEY LLP  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 479-6260  
Fax: (212) 479-6275  
alevine@cooley.com  
droy@cooley.com  
aliverzani@cooley.com

J. Benjamin Rottenborn (VSB No. 84796)  
Woods Rogers PLC  
10 South Jefferson Street, Suite 1400  
Roanoke, Va. 24011  
Tel: (540) 983-7600  
Fax: (540) 983-7711  
brottenborn@woodsrogers.com

Karen L. Dunn (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
Jessica E. Phillips (*pro hac vice*)  
Arpine S. Lawyer (*pro hac vice*)  
Giovanni J Sanchez (*pro hac vice*)  
Agbeko C. Petty (*pro hac vice*)  
PAUL WEISS RIFKIND WHARTON &  
GARRISON LLP  
2001 K Street, NW  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Fax: (202) 223-7420  
kdunn@paulweiss.com  
wisaacson@paulweiss.com  
jphillips@paulweiss.com  
alawyer@paulweiss.com  
gsanchez@paulweiss.com  
apetty@paulweiss.com

Makiko Hiromi (*pro hac vice*)  
Nicholas A. Butto (*pro hac vice*)  
PAUL WEISS RIFKIND WHARTON &  
GARRISON LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Telephone: (212) 373-3000  
Fax: (212) 757-3990  
mhiromi@paulweiss.com  
nbutto@paulweiss.com

Katherine M. Cheng (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
55 Hudson Yards, 20th Floor  
New York, NY 10001  
Telephone: (212) 446-2300  
Fax: (212) 446-2350  
kcheng@bsflp.com

Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
rcahill@cooley.com

*Counsel for Plaintiffs*

### CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2021, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt  
David L. Hauck  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dhauck@dhdglaw.com  
dcampbell@dhdglaw.com

*Counsel for Defendant James A. Fields, Jr.*

W. Edward ReBrook  
The ReBrook Law Office  
6013 Clerkenwell Court  
Burke, VA 22015  
edward@rebrooklaw.com  
rebrooklaw@gmail.com

*Counsel for Defendants National Socialist Movement,  
Nationalist Front, Jeff Schoep, Matthew Heimbach,  
Matthew Parrott and Traditionalist Worker Party*

Joshua Smith Esq.  
Smith LLC  
807 Crane Ave.  
Pittsburgh, PA 15216  
joshsmith2020@gmail.com

*Counsel for Matthew Heimbach, Matthew Parrott and  
Traditionalist Worker Party*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,  
Michael Tubbs, and League of the South*

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

*Counsel for Defendants Jason Kessler, Nathan  
Damigo, and Identity Europa, Inc. (Identity Evropa)*

I hereby certify that on October 12, 2021, I also served the foregoing upon following *pro se* defendants, via electronic mail, as follows:

Richard Spencer  
richardbspencer@gmail.com  
richardbspencer@icloud.com

Robert Ray  
azzmador@gmail.com

Vanguard America  
c/o Dillon Hopper  
dillon\_hopper@protonmail.com

Elliott Kline  
eli.f.mosley@gmail.com  
deplorabletruth@gmail.com  
eli.r.kline@gmail.com

I hereby certify that on October 12, 2021, I also served the foregoing upon following *pro se* defendant, via U.S. mail, as follows:

Christopher Cantwell  
Christopher Cantwell 00991-509  
USP Marion  
U.S. Penitentiary  
P.O. Box 2000  
Marion, IL 62959

and

Christopher Cantwell  
Christopher Cantwell - Inmate: 00991-509  
Grady County Law Enforcement Center (Oklahoma)  
215 N. 3<sup>rd</sup> Street  
Chickasha, OK 73018

/s/ David E. Mills

David E. Mills (*pro hac vice*)